

occurs. All culls collected from the shipment of regulated fruit are either processed into a product other than fresh fruit, incinerated at the packing plant, or buried at a public landfill that is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs. Any culls moved intrastate for processing must be completely covered, or enclosed in containers or in a compartment of a vehicle, during the intrastate movement, and the vehicles, covers, and any containers used to carry the regulated fruit must be treated in accordance with § 301.75-11(d) of this subpart before leaving the premises where the regulated fruit is unloaded for processing.

(iii) Grass, tree, and plant clippings may be moved intrastate from the quarantined area for disposal in a public landfill or for composting in a recycling facility, if all of the following conditions are met:

(A) The public landfill or recycling facility is located within the survey area described in paragraph (d)(1) of this section,

(B) The grass, tree, or plant clippings are completely covered during the movement from the quarantined area to the public landfill or recycling facility, and

(C) Any public landfill used is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs.

[55 FR 37450, Sept. 11, 1990; 55 FR 42698, Oct. 23, 1990, as amended at 55 FR 49502, Nov. 29, 1990; 56 FR 8102, Feb. 27, 1991; 57 FR 49374, Nov. 2, 1992; 59 FR 25288, May 16, 1994; 61 FR 1521, Jan. 22, 1996; 64 FR 4780, Feb. 1, 1999; 65 FR 53530, Sept. 5, 2000; 65 FR 57723, Sept. 26, 2000; 67 FR 9390, Mar. 1, 2002; 67 FR 13084, Mar. 21, 2002; 67 FR 18463, Apr. 16, 2002; 67 FR 30771, May 8, 2002; 69 FR 55317, Sept. 14, 2004]

#### **§ 301.75-5 Commercial citrus-producing areas.**

(a) The following are designated as commercial citrus-producing areas:

American Samoa  
Arizona  
California  
Florida  
Guam  
Hawaii  
Louisiana

Northern Mariana Islands  
Puerto Rico  
Texas  
Virgin Islands of the United States

(b) The list in paragraph (a) of this section is intended to include jurisdictions which have commercial citrus-producing areas. Less than an entire State may be designated as a commercial citrus-producing area only if the Administrator determines that the area not included as a commercial citrus-producing area does not contain commercial citrus plantings; that the State has adopted and is enforcing a prohibition on the intrastate movement from areas not designated as commercial citrus-producing areas to commercial citrus-producing areas of fruit which are designated as regulated articles and which were moved interstate from a quarantined State pursuant to a limited permit; and that the designation of less than the entire State as a commercial citrus-producing area will otherwise be adequate to prevent the interstate spread of citrus canker.

[50 FR 51231, Dec. 13, 1985, 51 FR 2873, Jan. 22, 1986; as amended at 53 FR 13242, Apr. 22, 1988; 53 FR 44173, Nov. 2, 1988. Redesignated at 55 FR 37450, Sept. 11, 1990]

#### **§ 301.75-6 Interstate movement of regulated articles from a quarantined area, general requirements.**

No regulated article may be moved interstate from a quarantined area unless all of the following conditions are met:

(a) *Inspections.* (1) In the quarantined area, every regulated plant and regulated tree, except indoor houseplants and regulated plants and regulated trees at nurseries, is inspected for citrus canker at least once a year, during May 1 through December 31, by an inspector, on foot.

(2) In the quarantined area, every regulated plant and regulated tree at every nursery containing regulated plants or regulated trees is inspected for citrus canker by an inspector at intervals of no more than 45 days.

(b) *Treatment of personnel, vehicles, and equipment.* In the quarantined area,

all vehicles, equipment, and other articles used in providing inspection, maintenance, harvesting, or related services in any grove containing regulated plants or regulated trees, or in providing landscaping or lawn care services on any premises containing regulated plants or regulated trees, must be treated in accordance with § 301.75-11(d) of this subpart upon leaving the grove or premises. All personnel who enter the grove or premises to provide these services must be treated in accordance with § 301.75-11(c) of this subpart upon leaving the grove or premises.

(c) *Destruction of infected plants and trees.* No more than 7 days after a State or Federal laboratory confirms that a regulated plant or regulated tree is infected, the State must provide written notice to the owner of the infected plant or infected tree that the infected plant or infected tree must be destroyed. The owner must have the infected plant or infected tree destroyed within 45 days after receiving the written notice.

[55 FR 37451, Sept. 11, 1990]

**§ 301.75-7 Interstate movement of regulated fruit from a quarantined area.**

(a) *Regulated fruit produced in a quarantined area.* Regulated fruit may be moved interstate from a quarantined area into any area of the United States except commercial citrus-producing areas if all of the following conditions are met:

(1) During the year before the interstate movement, the grove producing the regulated fruit received regulated plants only from the following nurseries:

(i) Nurseries located outside any quarantined areas, or

(ii) Nurseries where an inspector has found every regulated plant free of citrus canker on each of three successive inspections conducted at intervals of no more than 45 days, with the third inspection no more than 45 days before shipment.

(2) During the 2 years before the interstate movement, no plants or plant parts infected with citrus canker were found in the grove producing the regulated fruit and any exposed plants

in the grove at high risk for developing citrus canker have been destroyed. Identification of exposed plants at high risk for developing citrus canker will be based on an evaluation of all of the circumstances related to their exposure, including, but not limited to, the following:

(i) The stage of maturity of the exposed plant at the time of exposure, the size and degree of infestation to which the plants were exposed.

(ii) The proximity of exposed plants to infected plants or contaminated articles at the time of exposure, and

(iii) The length of time the plants were exposed.

(3) No more than 30 days before the beginning of harvest, an inspector walked through the grove, inspected every tree, and found the grove free of citrus canker, and, in groves producing limes, an inspector walked through the grove every 120 days or less thereafter for as long as harvest continued, inspected every lime tree on each walk-through, and continued to find the grove free of citrus canker.

(4) The regulated fruit was treated in accordance with § 301.75-11(a) of this subpart.

(5) The regulated fruit is free of leaves, twigs, and other plant parts, except for stems that are less than one inch long and attached to the fruit.

(6) The regulated fruit is accompanied by a limited permit issued in accordance with § 301.75-12 of this subpart.

(b) Regulated fruit not produced in a quarantined area. Regulated fruit not produced in a quarantined area but moved into a quarantined area for packing may be subsequently moved out of the quarantined area only if all the conditions of either paragraph (b)(1) or (b)(2) of this section are met.

(1) Conditions for subsequent movement into any area of the United States except commercial citrus-producing areas. (i) The regulated fruit was accompanied to the packing plant by a bill of lading stating the location of the grove in which the regulated fruit was produced.

(ii) The regulated fruit was treated in accordance with § 301.75-11(a) of this subpart.